

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**THE UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**No. 12-cv-0120 MCA/SMV**

**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF OTERO and  
STATE OF NEW MEXICO,**

**Defendants.**

**ORDER RESETTING INITIAL SCHEDULING ORDER DEADLINES**

THIS MATTER is before the Court sua sponte. The Court entered its Initial Scheduling Order [Doc. 19] on May 16, 2012. In order to accommodate a motion for judgment on the pleadings, the parties filed a joint motion to vacate the ISO, which the Court granted on June 12, 2012. Order Granting Joint Motion to Vacate Initial Scheduling Order [Doc. 22]. With the dispositive motion now resolved, the Court resets the discovery deadlines.

The parties, appearing through counsel or pro se, will “meet and confer” no later than **Tuesday, October 8, 2013**, to formulate a Provisional Discovery Plan. Fed R. Civ. P. 26(f). The time allowed for discovery is generally 150 to 180 days and will run from the Rule 16 initial scheduling conference. Initial disclosures under Fed R. Civ. P. 26(a)(1) shall be made within fourteen days of the meet-and-confer session.

The parties will cooperate in preparing a Joint Status Report and Provisional Discovery Plan (“JSR”), following the sample JSR available at the Court’s web site. The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management deadlines

will be determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR by **Tuesday, October 22, 2013**.

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issues from the JSR.

A Rule 16 initial scheduling conference will be held by telephone on **Tuesday, November 12, 2013, at 2:30 p.m.** Parties shall call Judge Vidmar's "Meet Me" line at 505-348-2357 to be connected to the proceedings. Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590-92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2). We will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required.

Pre-trial practice in this case shall be in accordance with the foregoing.

**IT IS THEREFORE ORDERED** that the deadlines shall be as follows:

<b>Meet and Confer by:</b>	<b>Oct. 8, 2013</b>
<b>JSR filed by:</b>	<b>Oct. 22, 2013</b>
<b>Initial Disclosures due within fourteen days of the meet-and-confer session, but in no event later than:</b>	<b>Oct. 29, 2013</b>
<b>Telephonic Rule 16 Initial Scheduling Conference:</b>	<b>Nov. 12, 2013, at 2:30 p.m.</b>

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**